

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
ERIKA JARDINE	:	VIOLATIONS:
	:	22 U.S.C. § 2778 (export of munitions
	:	without a license - 1 count)
	:	18 U.S.C. § 641 (selling United States
	:	property - 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The commercial export of arms, ammunition, implements of war and defense articles and services from the United States was governed by the Arm Export Control Act, Title 22, United States Code, Section 2778, and the International Traffic in Arms Regulations (ITAR), Title 22, Code of Federal Regulations, Sections 120-130. Items designated by the President as defense articles or defense services constitute the United States Munitions List.
2. Persons desiring to export arms, ammunition, implements of war, and defense articles and services specified on the United States Munitions List from the United States must have registered with the Office of Defense Trade Controls (ODTC) of the Department of State and obtained individual export licenses for each shipment abroad prior to the export, as set

forth in Title 22, Code of Federal Regulations, Sections 122 and 123. It is illegal to export or attempt to export items on the United States Munitions List without a license.

3. Outer Tactical Vests (OTVs) are ballistic vests. Small arm protective inserts (SAPIs) are lightweight ceramic plates that can be placed in the pockets of the vests to provide additional protection to the chest and back area. A set of SAPIs consists of two plates – one for the chest and one for the back. When used in conjunction with an OTV, a SAPI is designed to protect the user from multiple impacts from high-velocity, high-impact ammunition. The OTV and SAPI are currently used by U.S. military personnel in military operations throughout the world and have been proven to save lives. SAPIs are made exclusively for the U.S. government and are not for sale to the general public.

4. The United States Munitions List is codified at 22 C.F.R. 121.1. SAPIs are included in the list within Category X.

5. Defendant **ERIKA JARDINE** never applied for an export license for SAPIs or any other item.

6. From on or about July 27, 2004 through on or about August 30, 2004, defendant **ERIKA JARDINE** exported four sets of SAPIs from Southern California to Austria without an export license. **JARDINE** exported two sets on or about July 27, 2004 and one set on or about August 21, 2004 and August 30, 2004.

7. From or about September 25, 2004 through on or about November 6, 2004, defendant **ERIKA JARDINE** sent five sets of SAPIs from Southern California to the Eastern District of Pennsylvania with the expectation that these SAPIs would be exported to Lithuania without a license. **JARDINE** sent one set of SAPIs on or about each of the following dates: September 25, 2004, October 2, 2004, October 22, 2004, October 25, 2004 and November

6, 2004.

8. From on or about July 27, 2004 through on or about November 6, 2004, in the Eastern District of Pennsylvania and elsewhere, defendant

ERIKA JARDINE

willfully exported and attempted to export and cause to export, from the United States of America to Austria and Lithuania, defense articles, that is, small arm protective inserts (SAPIs), which were designated as defense articles on the United States Munitions List, without having first obtained from the Department of State a license for such export or written authorization for such export.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1(a)(1) and 127.3, and Title 18, United States Code, Section 2(b).

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 7 of Count One are incorporated here.
2. The SAPIs that defendant **ERIKA JARDINE** exported to Austria and sent to Philadelphia were sold to a person known to the United States Attorney.
3. SAPIs are things of value of the United States, its departments and agencies. The SAPIs that defendant sold were manufactured pursuant to contracts with the United States Department of Defense. The manufacturers then sent these SAPIs to military bases, predominantly, Camp Pendleton, in California.
4. On or about August 11, 2004, defendant **ERIKA JARDINE** agreed to sell two sets of SAPIs for \$2000 to a person known to the United States Attorney. After receiving payment, pursuant to her agreement, she exported these two sets of SAPIs to Austria on or about August 21, 2004 and August 30, 2004.
5. On or about August 26, 2004, defendant **ERIKA JARDINE** agreed to sell four sets of SAPIs for \$3500 to a person known to the United States Attorney. After receiving payment, pursuant to her agreement, she sent these four sets of SAPIs to the Eastern District of Pennsylvania on or about September 25, 2004, October 2, 2004, October 22, 2004, and October 25, 2004.

6. From on or about August 11, 2004 through on or about October 22, 2004,
in the Eastern District of Pennsylvania and elsewhere, defendant

ERIKA JARDINE

knowingly sold without authority, a thing of value of an agency and department of the United States, specifically United States Department of Defense SAPI plates, valued at more than \$1000.

In violation of Title 18, United States Code, Section 641.

PATRICK L. MEEHAN
United States Attorney